

Message Text

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20

ACTION NEA-12

INFO OCT-01 EUR-25 ADP-00 CIAE-00 DODE-00 PM-09 H-02

INR-09 L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-14

USIA-12 T-03 AID-20 INT-08 EB-11 COME-00 IO-12 AGR-20

OMB-01 RSR-01 /178 W

----- 070652

R 160730 Z MAR 73

FM AMEMBASSY KABUL

TO SECSTATE WASHDC 2406

INFO EMBASSY ANKARA 1430

AMEMBASSY ISLAMABAD

AMEMBASSY NEW DELP

AMEMBASSY MOSCOW

AMEMBASSY THIRAN

CCCPAC

UNCLAS KABUL 1788

E. O. 11652: N/A

TAGS: PBOR, PFOR, AF, IR

SUBJ: AFGHAN/IRANIAN RELATIONS: TEST OF HELMAND WATERS AGREEMENT
PUBLISHED

REF: (1) KABUL 1769 (NOTAL); (B) KABUL 1727

1. TEST HELMAND WATERS AGREEMENT RELEASED MARCH 15. FOLLOWING
IS SUMMARY. TEST BY AIRGRAM.

2. TREATY OF 12 ARTICLES.

(A) IRAN IS GRANTED NORMAL AVERAGE MONTHLY FLOW OF 26 CUSECS
WITH DISTRIBUTION RANGING FROM LOW OF 2.32 CUSECS IN SEPTEMBER
TO HIGH OF 78.16 CUSECS IN FEBRUARY. NORMAL YEAR IS DEFINED AS
ANNUAL FLOW AT DEHRAWUD (ABOVE KAJAKAI RESERVOIR OF 4,590,000
ACRE FEET.

(B) WATER WILL BE DELIVERED TO IRAN AT THREE POINTS WHERE
INTERNATIONAL BOUNDARY IS IN BED OF RIVER.

(C) WHEN WATER FLOW ABOVE NORMAL, IRAN RECEIVES NO RPT NO
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EXTRA WATER. IF WATER FLOW BELOW NORMAL, IRAN RECEIVS LESS WATER ON PROPORTIONAL BASIS.

(D) COMMISSIONER AND DEPUTY WILL BE APPOINTED Y EACH COUNTRY WITH DUTIES AS DEFINED PROTOCOL NO. 9,3.

(E) DISPUTES OVER TREATY WILL BE SOLVED THROUGH DIPLOMATIC NEGOTIATIONS, THIRD PARTY GOOD OFFICES, OR ARBITRATION (AS SET FORTH IN PROTOCOL NO. TWO) IN THIS ORDER.

(F) 043-56 " SHALL NOT BE SUBJECTED TO ANY OTHER PRESENT OR FUTURE PRINCIPLE OR PRECEDENT.

3. PROTOCOL NO. ONE

(A) AFGHAN COMMISSIONER WILL PROVIDE IRANIAN COMMISSIONER UPON REQUEST MONTHLY WATER FLOW AT DEHRAWUD.

(B) COMMISSIONERS SITTING AS JOINT COUNCIL WILL ACT WITH DISPATCH TO PERFORM THEIR DUTIES AND JUDGE ISSUES WITHIN THEIR COMPETENCE.

(C) COUNCIL OF MINISTERS FORMED OF COUNTRY MINISTER RESPONSIBLE FOR WATER AFFAIRS WITH AUTHORITY RESOLVE ISSUES ARISING FROM IMPLEMENTATION OF TREATY AND SHOULD INSTRUCT JOINT COUNCIL.

(D) IF COUNCIL OF MINISTERS UNABLE RESOLVE DISPUTE, IT WILL SUBMIT REPORT TO BOTH GOVERNMENTS FOR RESOLUTION THROUGH DIPLOMATIC CHANNELS.

(E) NO AMENDMENT, CHANGE OR RENEWAL IN THIS PROTOCOL HAS ANY EFFECT ON TREATY OR PROTOCOL NO. TWO.

4. PROTOCOL NO. TWO

(A) IF EITHER SIDE WISHES TO RESORT TO ARBITRATION TO RESOLVE DISPUTE WHICH NEITHER DIPLOMATIC NEGOTIATIONS NOR THIRD PARTY GOOD OFFICES HAVE SOLVED, IT PRESENTS DIPLOMATIC NOTE TO OTHER SIDE WITH COMPLETE DETAILS OF THE DIFFERENCE.

(B) REPRESENTATIVES OF BOTH SIDES MUST MEET WITHIN THREE MONTHS AS " ARBITRATION DELEGATION" TO RESOLVE DISPUTE.

(C) IF BOTH SIDES DO NOT ACCEPT " ARBITRATION DELEGATION" S' RECOMMENDATIONS, THEN ARBITRATION TRIBUNAL ESTABLISHED CONSISTING OF ONE ARBITRATOR APPOINTED BY EACH SIDE WHO TOGETHER APPOINT THIRD ARBITRATOR WHO IS HEAD OF TRIBUNAL.

(D) IF THIRD ARBITRATOR NOT DESIGNATED WITHIN THREE MONTHS, EITHER SIDE MAY ASK UN SECRETARY GENERAL TO APPOINT.

(E) THIRD ARBITRATOR MUST BE CITIZEN OF COUNTRY FRIENDLY TO BOTH AFGHANISTAN AND IRAN WHICH HAS NO " COMMOEALTH" RELATIONSHIP WITH EITHER.

(F) TRIBUNAL' S DECISION IS BINDING AND MUST BE IMPLEMENTED.

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(G) NO CHANGES OR AMENDMENTS IN THIS PROTOCOL AFFECT EITHER

REATY OR PROTOCOL NO. ONE.

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*** Current Classification *** UNCLASSIFIED

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Disposition Approved on Date:
Disposition Authority: n/a
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Disposition Event:
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Disposition Reason:
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THRAN

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